

1912-005 Chancery Causes: John S. Bailey vs. Maggie Bailey  
Lee Co.

Woliver, Roberts, Coffman, Bowman, Music, Keel, Collier,  
Hounshell, Osbourn, Garrett, Cheek, Hobbs, Parsons

CA - Divorce  
T - Vices



To the Honorable H. A. W. Skeen,

Judge of the Circuit Court of Lee County, Virginia.

1 Humbly complaining, your complainant, John S. Bailey, would  
2 respectfully represent and show unto your Honor that he on the  
3 28 day of Feb, 1907, was married to one, Maggie Wooliver;  
4 that they have lived together as husband and wife until about the  
5 first day of January, 1911; that during said time your complainant  
6 tried to be a loving and dutiful husband; and that to their mar-  
7 raige has been born two children, Etta and Sadie, aged 2 and  
8 2, respectively.

9 On the other hand, your complainant alleges that his said  
10 wife has been guilty of bad conduct in that at times she acts  
11 like she is crazy, and one occasion took poison, pretending she  
12 said to make others believe that your complainant had poisoned  
13 her, for the purpose of getting him into trouble.

14 Your complainant alleges that his said wife has led him such  
15 a life that he has been forced for the safety of his own life and  
16 property and children to leave her, and refuses to live with her.

17 Your complainant alleges that his said wife has, he is informed  
18 believes, and charges has been guilty of acts of adultery with other  
19 men since their marriage, in or near the vicinity of Pridemore, Lee  
20 County, Virginia.

21 And your complainant also alleges and charges that his said  
22 wife, Maggie Bailey, without your complainant's knowledge, previous  
23 the ir marriage, was a prostitute, and had been guilty of divers  
24 acts of adultery with different persons before their marriage, and  
25 which has only come to his knowledge since her conduct toward him  
26 was so unbearable that he had to refuse to live with and cohabit  
27 with her any longer.

28 Your complainant alleges that he has not lived with, nor co-  
29 habited with the said Maggie Bailey since he had knowledge that



she was a prostitute and guilty of acts of adultery before their marriage.

Your complainant would state that he is a citizen of Lee County, Virginia, and has been for more than twelve months before the institution of this suit; that the acts of adultery complained of since the said marriage, were committed within five years before the institution of this suit, but the acts of adultery before the said marriage and the allegation of charging the said Maggie Bailey of being a prostitute, has been more than five years before the institution of this suit.

Your complainant alleges that he refuses to live with the said Maggie Bailey since he has had knowledge of her previous unchaste character; that he has supported and maintained the two children, and wishes the custody and control of them; and that the said Maggie Bailey is not a fit person to raise, control and educate the said two children.

Your complainant alleges that he is entitled to a divorce A Vinculo Matrimonii from the said Maggie Bailey, and is entitled to the custody and control of the children.

In tender consideration whereof, and inasmuch as your complainant is without remedy except in the Court of Equity, he prays that the said Maggie Bailey be made a party defendant to this bill and answer the same, but not under oath, that being waived; that on a hearing of said cause your complainant be granted a divorce A Vinculo Matrimonii, and the bonds of matrimony be dissolved between your complainant and the said Maggie Bailey, and your complainant be granted the control and custody of the two children, Etta and Sadie, and your complainant prays for all other further and general relief that the nature of his case may require, and to equity seem mete. And, he will ever pray, &c.

M. G. Ealy, Jr.



Pleffs. Costs

Ewing Clerk 3.09  
 Edds " 1.06  
 Tag 1.50  
 Shff. 1.40  
 Writs 2.00  
\$9.05

Defts Cost Recovered

Ewing Clerk \$0.80  
 Atty. 15.00  
 Shff. 2.70  
 Writs 4.00  
 Comr. 3.00  
\$25.50  
 Atty. Fee 15.00  
\$40.50  
 Edds Clerk 1.23  
\$41.73

John S. Bailey <sup>LEly</sup>  
 vs & Billie Cheney  
 Maggie Bailey

Filed Feb. 7, 1911.  
 H.C. J. Ewing

1911 1st Mar. Rules <sup>Clerk</sup>  
 Bill filed and  
 Spa executed  
 " 2nd Mar. Rules  
 Ans. of Defts. filed  
 + cause set for  
 hearing.

M. G. ELY

COMMONWEALTH'S ATTORNEY  
 Jonestown, Virginia



To the Honorable H. A. W. Skeen,

Judge of the Circuit Court for Lee County, Virginia:

The demurrer and answer ~~as~~ Maggie Bailey to a bill filed in this Honorable Court against her by John S. Bailey.

For demurrer thereto this respondent says that said bill is not sufficient in law for her to be called upon to answer, and for grounds of demurrer, she says:

(1) The allegations as to her conduct towards plaintiff, are not sufficiently specific, as to what her conduct was; and are not sufficient to constitute a charge of cruelty toward him, such as would justify him in leaving her.

(2) The charge of adultery contained in said bill is not sufficiently specific as to time and place, nor as to the persons with whom said acts of adultery were committed, nor as to the time when he <sup>plff</sup> became apprised of said acts.

But, should any other or further answer be necessary, answering she says, that it is true that she and the plaintiff were married on the 28th day of February, 1907, and that they lived together as husband and wife peaceably until November 29th, 1910, when the plaintiff quarrelled and abused your respondent about a note he had executed for \$12.50 to H. A. Bolin, and this was the first trouble they had had to amount to anything, and that morning he left and told your respondent he was gone forever, and said, "What is here is yours", and he has never returned to live with respondent. In a few days after this, he, in respondent's absence, took from the house the cook stove, a bed and stead, and some other things, and all the provisions in the house, such as meal, coffee, meat, &c., and he then went to the owner of the house in which they lived, and surrendered the possession of same, and took charge of and moved out the balance of the household and



kitchen furniture, and your respondent had to go to her father's, with her two children, for shelter and support, where she has since remained.

Your respondent denies the allegation that she has been guilty of bad conduct toward her said husband, and acted like she was crazy, and that she took poison for the purpose of getting him into trouble. She admits that on one occasion, when they were eating supper, she became very sick, and he suggested and insisted that she was poisoned, and she believes she was, but as to how it occurred she knows not, but he, on that occasion, stated that he was afraid she would die and her people would think he did it. Your respondent is of the opinion that the poison was in the milk, but as to who put it there she does not know. The plaintiff's conduct on the occasion, and since, has made the impression on her mind that he is the guilty party. This occurred in October, 1910. She denies that she has led her said husband such a life that he has been forced for the safety of his own life and property and children, to leave her and refuse to live with her. Upon the contrary she has been a devoted, faithful, loving wife to him. And, she denies that she was before their marriage a prostitute, and she likewise denies that since their marriage she has been guilty of any acts of adultery, whatever, but upon the contrary she has been faithful and true to her said husband, and it is true there have been two children born to their marriage, Sadie, three years old, and Etta near two years old, and your respondent is pregnant by her said husband, and expects to be confined in May next.

Your respondent will be twenty-three years old the 17th of this month, is entirely destitute of property or means of any kind for a support and maintenance, for herself and children, but like all mothers, she loves her children and would like to have the custody and care of them, and she thinks he should be com-



pelled to contribute to her, and their support and maintainance, such reasonable sum as the Court may think just. Your respondent admits that the plaintiff has only a small amount of means, but he is able to work and makes good wages making staves, &c., has an education sufficient to fill positions where he can earn good salaries, though a cripple. His earning capacity should amount to \$250.00 or \$300.00 per year, and he has now \$100.00 or more in cash, *besides some household & kitchen furniture.*

Your respondent now having answered so far as she is advised it is necessary or material for her to answer, she now prays that the plaintiff be required to pay to her, or her attorney, at once, the sum of \$50.00, for suit money and temporary alimony, and to James W. Orr, her attorney, \$25.00 as his fee.

And respondent will ever pray, &c.

*James W. Orr for Deft.*



Maggie Bailey  
acts as  
John D Bailey.

---

1911 2nd Meb Rules  
The foregoing ans-  
wer was filed  
H. C. D. Ewing,  
Clerk.



John S. Bailey . . . . .	Plaintiff
vs. }	DECREE
Maggie Bailey. . . . .	Defendant

THIS CAUSE came on this day to be heard upon the bill of the complainant, depositions filed therewith, answer of defendant and depositions, and general replication to said answer. And was argued by counsel.

On consideration of which it appearing to the Court that the allegations in said bill have been proven, it is adjudged, ordered and decreed that the bonds of matrimony heretofore contracted and now existing between the complainant and defendant be dissolved; and that they each be divorced from the other a vinculo matrimonii forever.

It is further considered by the Court that the complainant pay the costs of this suit, and also an attorney fee of \$15.00 for the defendant's attorney.

Nothing further remaining to be done the cause is stricken from the docket.



John S. Bailey

vs. }

DECREE

Maggie Bailey

222

Entered in CCB  
no 9, page 324

Enter this 21st day of  
August 1912.

H. C. W. Sloan



# Louisville & Nashville Railroad Company,

Station

1911

Virginia.

In vacation of the Circuit Court of Lee County, before the Judge of said Court at Wise, Va. the 10th day of April 1911. John B. Bailey Plaintiff against Maggie Bailey, Defendant - in chancery. This Cause came on to be heard on the bill of the plaintiff, demurrer and answer of the defendant, the motion of the defendant for an allowance of suit money and an attorney's fee, in favor of the defendant, and affidavits in opposition to said motion, and was argued by Counsel. On consideration thereof, it is adjudged, ordered and decreed that the plaintiff pay, or cause to be paid, to the defendant, or her attorney, \$25.00, suit money, for which execution may issue. All other matters are reserved, and the cause is continued until the next term of said Court.

H. A. W. S. J. Judge.



John S Bailey  
vs Decree, In Vacation  
Maggie Bailey

---

Entered in  
Chancery  
Q. B no 9  
page 135 to

Enter this Decree.  
H R W Starn  
April 10th 1911.



Virginia,

In Vacation of the Circuit Court of the County, before the  
Judge of said County of Wise, Va., the 10th day of April, 1911

<sup>S.</sup>  
John Bailey, Plaintiff

Against In Chancery.

Maggie Bailey, Defendant.

This cause came on to be heard on the bill of the plaintiff, demurrer and answer of the defendant the motion of the defendant for an allowance of suit money and an attorney's fee, in favor of the defendant, and affidavits in opposition to said motion and was argued by counsel. On consideration thereof, it is adjudged, ordered and decreed that the plaintiff pay, at once, to the defendant, or her attorney \$25.00, suit money, for which execution may issue. All other matters are reserved, and the cause is continued until the next term of said court.

H. A. W. Skeen Judge.

A copy,

Teste: H. C. T. Ewing,  
Clerk.



Copy for John, S.  
Bailey

Paid see  
Receipt within.



Rec. of John S. Bailey  
(25-00) Twenty five Dollars  
an order of The Circuit  
Court Judge (J. A. W. Strain)  
in vacation of the Lee County  
Circuit Court. April the 10th  
1911. This Cause was decreed in  
Wise County Va on the Bill of  
the Plaintiff whose Signature  
below is Witnessed bearing  
date April 28th 1911-  
Sig Maggie Bailey  
Witness W D Haynes



The depositions of Eli Roberts and others taken before me, Geo. P.Cridlin, a Commissioner in Chancery for the Circuit of Lee County, Virginia, on the 24th day of August, 1911, at the office of James W.Orr in the town of Jonesville, Virginia, pursuant to agreement of parties, which depositions are intended to be read as evidence on behalf of defendant in a certain suit in Chancery now pending in the Circuit Court of Lee County Virginia in which John S.Bailey is plaintiff and Maggie Bailey is defendant.

Present: M.G.Ely attorney for plaintiff, and

James W.Orr attorney for defendant.

Eli Roberts a witness of lawful age being duly sworn deposes as follows:

Q.1.-- Please state your age, residence and occupation.

A.-- I am about 73 years old live near Long Hollow, and am a famrer and laborer.

Q.2.-- Are you acquainted with the parties to this suit and if so for how long?

A.-- I have been acquainted with the defendant for about ten years and not quite so long with the defendant.

Q.-- Do you remember being present last fall at Mary Bolin's a sister of the defendant, when Elias Bowman was present and on his place, and hearing a conversation or some talk between the defendant and her sister Mrs.Bolin?

A.-- I rember of being there one day when Bowman was there and they were all talking but i do not remember what was talked about.

Q.3.-- Do you remember the defendant stating to her sister on that occasion that if she didn't have a man that could get her children, she would get somebody else?

Obj.-- Objected to because the witness has already stated that he did not remember any of the conversation.

M.G.Ely for plff.

A. I have no recollection of hearing such talk.



Q.4.-- State whether or not, if the defendant had had such talk as that you think you would have remembered it?

Obj.-- Objected to for the same reasons stated above.

M.G.Ely for plff.

A/-- It does seem to me that I would.

Q.5.-- Have you had any conversation with Elias Bowman in reference to the occurrence or the occasion just referred to, and if so please state what he said about it, and about you being present &c.,

A.-- I did have a talk with him when he was coming to give his deposition and I inquired of him what he knew in it and he said nothing except the conversation which he heard, and he said that I was present at the time it occurred, and I told I did not remember any such talk, He told me what he had heard the defendant say.

And further this deponent saith not.

Eli A. Ely

M.C.Coffman another witness of lawful age being first duly sworn deposes as follows:

Q.1.-- Please state your age, residence and occupation?

A.-- I am about 28 years old, live in Long Hollow Neighborhood, and am a farmer.

Q.-- Are you the Mr.Coffman that they call Manuel Coffman?

A. I am.

Q.3.-- Are you acquainted with the parties to this suit and if so how long have you known them?

A.-- I have known the plaintiff about 8 years, and have known the defendant all her life.

Q.4.-- Are you acquainted with Elias Bowman and does he live in your neighborhood?

A.-- I am, have known him for ten years. He does live in my neighborhood.



Q.5.-- Did you ever say anything to Elias Bowman or to any person in his presence against the defendant's character for virtue?

A.-- No, I never did.

Q.

Cross Examination.

X.Q.1.-- Did you or not ever hear her general character discussed

A.-- No, sir, I guess not.

X.Q.2.-- Do you know her reputation in the neighborhood where she lives as a woman of good or bad character?

A.-- I do not. I never heard it discussed.

X.Q.3.-- Did you never make any remarks about what you had heard of her in the presence of Elias Bowman or Kemp Wynn or either of them?

A.-- No sir, I never.

X.Q.4.-- Are you and Elias Bowman at a good understanding?

A.-- Yes sir at this time we are.

X.Q.5.-- How long have you been that way.

A.-- Something near five years, we have had a few short words between us a time or two since that time but I don't count that anything.

X And further this deponent saith not.

W. L. Orr

Wit claims one day 50 cents.

The further taking of these depositions is adjourned till Aug. 31st, 1911, at the same place.

Geo. P. Bridlin, Com. in Chy.

Met pursuant to adjournment on the 31st day of August, 1911, at the office of James W. Orr, in Jonesville, Virginia.

Elizabeth Woliver another witness of lawful age being duly sworn deposes as follows:

Q.1.-- Please state your age and residence?

A.-- I am 50 years old and live in Long Hollow in Lee County,



Q.2.-- What relation are you to the defendant?

A.-- I am her mother.

Q.3. What was Maggie's age at the time she married the plaintiff?

A.-- She was seventeen years old.

Q.4.-- How long did the plaintiff come to see her before they were married?

A.-- I can't say positively, about a year I think.

Q.5.-- Did you ever see any misconduct between Maggie and the plaintiff before their marriage?

A.-- No Sir, none at all.

Q.6.-- Did you ever see any misconduct between Maggie and any one else before her marriage to the plaintiff?

A.-- No Sir.

Q.7 .-- How long was it after the marriage of Maggie and the plaintiff, before her first child was born?

A.-- Between six and seven months. They were married the last day of February, and the child was born the 24th day of September of the same year.

Q.8.-- Were your suspicions aroused at any time before their marriage that there had been improper conduct between them or anything of that kind, and if so please state what caused your suspicions and how it occurred?

Obj.-- Objected to because suspicions are not legal evidence. The witness should tell what she saw and heard and nothing else, or what she knows of her own knowledge.

M. G. Ely for plaintiff.

A.-- I never thought of such a thing until a few days before they were married. About two days before they were married, her uncle George Music was there and begged her to give up marrying and go home with him and go to school and finish her education and she dropped her head and said it is too late for that now. The day before their marriage I asked her to put it off till the 17th day of March as that was her birth day, but she said "we have put it off too long now", and I got to looking at her and I saw there was something the matter with her.



Q.9.-- Did you ever hear the plaintiff claim that that first child was not his?

A/-- No, I did not.

Q.10/-- How many children has the defendant, and please give their names and ages as nearly as you can?

A.-- She has three. The oldest is named Saidie May who will be four years old the 24th day of September, 1911, the second one is named Martha Etta and she is two years old the 21st day of last April/. The youngest is named John Henry, or at least that is what they call it, and is two months old last Friday, and was born after the institution of this suit.

Q/11.-- Who do you think should you think should have the care and custody of these children the plaintiff or defendant?

A.-- I should think it would be a mother's place to look after her children and especially when they are girls. It is true she has nothing to support them, and I think he should be the one to support so far as he is able, and I know he is willing, at least I think so.

Q.12.-- How old was the plaintiff when he married your daughter?

A.-- To the best of my knowledge he was 28 years old.

Q/13.-- Please state whether or not your daughter Maggie, since her marriage has been industrious and endeavored to help to provide for the support of her family?

A.-- So far as I know she has, but I really don't know much about it as I have not been about them much.

Q.14.-- Have you observed the plaintiff's conduct as to his temperament and whether or not he is inclined to fractious and quarrelsome, or how that is?

A.-- I can't tell but I suppose he is like the rest of us got plenty of temper.

Q.15.-- Where are the two older children now and where are they staying?

A.-- They were at his mother's home this morning as we came by and they have been staying there as I understand when they have not been



at our house. His mother is Mrs. Dixon, and I suppose the plaintiff lives with her.

Q.16.-- Does the plaintiff stay at home most of the time or is he gone a considerable portion of the time?

A/-- I can't say because I never have seen him there. I don't know a thing only hearsay about it.

Q.17.-- Did Charlie Bailey, the plaintiff's brother ever call on your daughter Maggie or pay his respects to her before her marriage?

A.-- Never that I knew anything of. If he was ever in our house but a time or two I never knew anything of it.

Corss Examination.

X.Q.1.-- At what age did Maggie begin court or entertain sweetheart

A.-- I don't know I paid no attention to it.

X.Q.2.-- How many sweethearts had she before she talked to John Bailey?

A.-- She went with a few boys but if she ever had what you might call a sweetheart before she went with John I don't know it.

X.Q.3.-- What boys did she go with?

A.-- I don't know.

X.Q.4.-- Did Fayette Hobbs ever come to see her?

A.-- Not that I ever knew anything about.

X.Q.5.-- Did Cam Dixon ever come to see her?

A. Never in life sir.

X.Q.6.-- Did Bake Poteet ever come to see her?

A.-- Not that I remember of.

X.Q.7.-- Did Laurence Parsons ever come to see her?

A.-- Yes sir.

X.Q.8.-- Do you know who the father of the first child is?

A.-- No, I would not swear to any child's father. It's just like the Bailey's but I would not swear who its Dad is.

X.Q.9.-- Does it look like Charlie Bailey or John Bailey?

A.-- It don't look like either it looks like Sallie their sister.

X.Q.10.-- Did I understand you to say that Maggie had nothing to



with which to support and raise these children?

A.-- I said she had no way to support them, no means to support them on.

X.Q.11.-- Isn't Mrs. Dixon, the plaintiff's mother, a good person to take care of these children?

A.-- She might be if she would stay with them.

X.Q.12.-- Do not the children visit your home and Maggie whenever they wish?

A.-- I can't say that, if they did they would be there all the time. They come to my home sometimes.

X.Q.13.-- Has Maggie got any tember?

A.-- I guess she has got all the law allows her.

Re Examination.

Q.-- If I understand you correctly that your daughter has no means on which to support these children, do you mean by this that she has no property, and no means except her work and labor?

A.-- That is what I mean, and she has no chance to work with that baby in her arms.

And further this deponent saith not.

( Signature waived.)

L.D.Keel another witness of lawful age being duly sworn deposes as follows:

Q.1.-- Please state your age and residence?

A.-- I am 24 years old. Live near Pridemore Va. In this county.

Q.2.-- Are you acquainted with the parties to this suit and if so how long have you known them?

A.-- I am acquainted with them. I have known the plaintiff some six or seven years, and I got acquainted with the defendant some time later.

Q.3.-- Did you ever visit at Mr. J.W. Woliver's in company with the plaintiff?

A.-- Yes, once or twice.



Q.4.-- For what purpose did you and Mr. Bailey go to Mr. Woliver's

A.-- I was going to see a girl. I don't know about his business. He did not say what he was going for.

Q.5.-- Did he seem to be paying his respects to Maggie or not?

A.-- Yes sir, I think so.

Q.6.-- Did you ever see him and Maggie in a compromising position or in close quarters, and if so state what you saw?

A.-- I saw them laying on the bed together and were hugged up together closely. This was at Mr. Woliver's and after night, and was some time before they were married.

Q.7.-- State whether or not, after you saw them on the bed together, you and John started home, and if so what occurred or what John done and said as you were starting?

A.-- We did start off together some time after I saw them on the bed together. He came out with his privates in his hand and said I got it a while ago. By God watch him smoke - I roweled him up to the hub a while ago."

Cross Examination.

X.Q.1.-- When you say you saw them laying on the bed together, was either one of them on top of the other?

A.-- No sir.

X.Q.2.-- What was you doing at that time?

A.-- I was sitting on ~~the~~ another bed with another girl.

X.Q.3.-- Did you make anything smoke that night?

A.-- Yes, sir I guess I did.

X.Q.4.-- Did you ever have sextual intercourse with Maggie Bailey?

A.-- No, not with her.

X.Q.5.-- Did you ever hear any one else say that they had had sextu intercourse with her?

Obj.-- Objected to as inadmissable, because hearsay.  
James W. Orr, for deft.

A.-- I have heard Babe Poteet and Kemp Wynn say that they had had sextual intercourse with her.

X.Q.6.-- Did they tell you when and where it was?



Obj.-- Excepted to for the same reason stated above.

James W.Orr for deft.

A.-- No.

X.Q.7.-- Did they say it was before or after she married John Bailey?

Obj.-- Excepted to for the same reasons.

James W.Orr for deft.

A.-- Before.

And further this deponent saith not.

Wit. claims one day 50 cents.

(Signature waived.--)

Wright Collier another witness of lawful age being first duly sworn deposes as follows:

Q.1.-- Please state your age, residence and occupation?

A.-- 33 years old, live near Pridemore in Lee County, and am a farmer.

Q.2.-- Are you acquainted with the parties to this suit and if so how long have you known them?

A.-- I am acquainted with them and have known the defendant all her life and have known the plaintiff for some six or seven years.

Q.3.-- Have you lived near to them?

A.-- Some of the time I have, most of the time.

Q.4.-- State whether or not the defendant has been industrious and tried to provide for the family?

A.-- At times she would seem to be and at times she was not.

Q.5.-- What ~~was~~ is the plaintiff's temperament or disposition as to being fractious or quarrelsome?

A.-- If he is quarrelsome I don't know it. He and I always got along together without a word.

Q.6.-- Did you ever observe him when he acted like there was something wrong with him or when he acted in an unnatural or unusual way?

A/-- At one time he seemed to me to have been poisoned from medicine or some cause or other and did not seem to be at himself.



Q.7.-- Do you know whether or not he is in the habit of using morphine or any drug or opiate of any kind?

A.-- I have seen him take medicine when he was under a doctor, but so far as I know he is not in the habit of using any drug.

Q.8.-- Who do you think would be the proper person to have the care of the children, the plaintiff or the defendant, considering their age, sex, &c.

A/-- A mother ought to always care for the children of course, where they will. I could not hardly say that she would take ample care of them or not, but a mother should have the care of children when they will.

Cross Examination.

X.Q.1.-- What kind of temper and disposition has Maggie?

A.-- She is very high tempered.

X.Q.2.-- Isn't her character and reputation such that in your opinion it is better for John Bailey to have the care and control raising and education of these children?

Obj.-- Excepted to as inadmissible. The witness has not stated that he is acquainted with her character or what her character is.  
James W.Orr, for deft.

A.-- Yes sir.

X.Q.3.-- Did you ever hear any one say that they had ever had sexual intercourse with her either before or after her marriage to John Bailey, and if so state who it was?

Obj.-- Excepted to as inadmissible because hearsay.

James W.Orr, for deft.

A/-- I have heard Fayette Hobbs say that he had sexual intercourse with her before her marriage.

X.Q.4.-- Is Fayette Hobbs the <sup>Mr.</sup> L.H. Hobbs who has given his deposition in this case?

A.-- I do not know what his initials are.

Re examination.

Q.1/--You have stated that on account of the defendant's character and reputation, that in your opinion it is better for John



Bailey to have the care and custody of his children than the defendant. Now is his character and reputation any better than hers?

A.-- Well John is perfectly honest, I have always found him. But as to their reputation for lewdness I think they are about alike.

Re Corss Examination.

Q.-- Who did you ever hear of John Bailey being guilty of lewdness with besides his own wife, if anybody.

A.-- I have heard him say that he was guilty of bad conduct before his marriage and have heard the rumor of the country, but I have never heard anything against him since he married.

And further this deponent saith not.

Wit/ claims one day, 50 cents.

(signature waived)

Martha Collier another witness of lawful age being first duly sworn deposes as follows:

Q.1.-- Please state your age and place of residence?

A/-- I am 57 years old, and live about three miles east of Jonesville.

Q.2.-- Are you acquainted with the parties to this suit and if so how long have you known them?

A.-- I am acquainted with them have known them three or four years. I lived in sight of them from Spring till Fall last year.

Q.3.-- Do you remember one night last Fall when John came after you and said his wife was sick, and did you go?

A.-- I remember when he came after my husband, and said his wife was about to die, and my husband and Bailey went on and I soon followed on to Mr. Bailey's.

Q.4.-- State what condition you found Mrs. Bailey in and what was said and done when you got there?

A.-- She appeared to be in a very bad condition - I thought she was dying when I went in. She just had her head thrown back and looked like she would be dead in a few minutes. I asked John what was the matter with her and he said he reckoned she was poisoned.



to death. Mr. Buckner who was there poured some sweet milk down her and she got better after a while.

Q.5.-- Did John make any suggestion or explanation about how she became poisoned?

A.-- He said that she had made motioned that she had taken something herself. She was speechless. My husband after a doctor at Mr. Bailey's suggestion, and they could not get the doctor. I staid about two hours and left and the next day or the day afyer she came to our house.

Q.6.-- State whether or not the defendant was industrious and her treat ment towards her husband?

A.-- I never wne there except I found her at work she was very industrious. She seemed to be as kind towards her husband as she could be so far as I know.

Q.7.-- Who do you think would be the most fit person to have the care and custody of the children considering their age, sex &c.

A.-- I always though the mñther ought to have the care of her children especially if they are girls.

Cross Examination.

X.Q.1.-- Do you know anything about Maggie's temper?

A.-- I do not know, except that she seemed to have a good temper when I was with her.

X.Q.2.-- Do you think that Maggie was acually poisoned on this occasioned? or was she taking one of her mad~~e~~ "jeminy fit/s"?

Obj.-- Excepted to as inadmissible There has been no evidence that the defendant is subject to Jeminy fits\$ or any other kind of fits.

James W. Orr for deft.

A. I nefer saw her have any jeminy fits she acted like she was poisoned but I can't tell whether she was or not.

And further this deponent saith not.

(signature waived)



C.B.Hounshell another witness of lawful age being duly sworn deposes as follows:

Q.1.-- State you age, residence and occupation, and are you acquainted with the parties to this suit.

A.-- I am 19 years old, live in the Long Hollow and am a farmer. I am acquainted with the parties to the suit?

Q.2.-- Please state what amount of staves John S.Bailey has made within the last two years, and what amount he has realized as profits in manufacturing staves, or as near as you can give it?

A.-- I can't tell. I know of his making two car loads. I saw a check received by him or Charlie for two car loads of staves but I don't know how much it was for and did not hear them say.

Q.3.-- Have you had some experience in making staves?

A.-- Yes, I worked some with Charlie Bailey, but have not worked any with John.

Q.4.-- Do you know something about the profits generally realized on timber bought, staves made and sold?

A.-- I do not. I was only working for Bailey.

Q.5.-- Have you no idea what was the probable profit on the two car loads of staves that the plaintiff shipped and sold?

A.-- I have not.

Cross Examination.

X.Q.1.-- Is John S.Bailey an able bodied man, and able to work or is he afflicted?

A.-- He is a cripple man, but I do not know otherwise whether he is stout or not.

X.Q.2.-- The two cars of staves that you spoke about being sold were they John Bailey's stave, Charlie's or somebody elses?

A.-- I could not tell you for certain, I supposed they were John's but they were both in the stave business.

Re Examination.

Q/4- Is it not a fact that John S.Bailey is crippled only in his lower limbs and that he does considerable work making staves?



A.-- Yes, I suppose he is only crippled in his lower limbs, and he does make lots of staves and can make about as many as anybody.

Re Cross Examination.

Q.-- Is it not a fact that John has been crippled in one of his arms and sick for about one month and not able to work?

A.-- Not that I have heard of. He was sick a couple of years ago and could not work for some time. I remember asking him about a month ago to go with me fishing and he said he was sick and could not go, but I don't know how long he remained sick.

Q.-- Is Maggie a stout healthy woman?

A.-- She looks to be.

Wit claims one day 50 cents.

(signature waived)

S.E.Osbourn another witness of lawful age being first duly sworn deposes as follows:

Q.1.-- Please state your, age, residence and occupation?

A.-- I am 32 years old, live about one-half mile from sulphur springs in this county and am a farmer.

Q.2.-- Are you acquainted with the parties to this suit?

A.-- I am.

Q.3.-- State whether or not you saw the plaintiff receive a check for the proceeds of the sale of some staves and if so when it was, the amount of the check?

A.-- I did see him receive a check. It was three or four hundred dollars, I think it was last July.

Q.4.-- Has the plaintiff been making and shipping a good many staves or not?

A.-- Yes sir, he has made several staves. He has been I think for the last six or eight months making ~~staves~~ stave making his principal business.

Q.5/-- Do you know of the plaintiff buying any land or an interest in a saw mill recently and if so state what you know about it?

A. I do know of his buying some land from John Kirk and the Gar-



rett heirs, any how it is some of the old Frank Garrett land, but I do not know how much he gave for it or how much land he bought. He has bought an interest in a saw mill but I do not know how much/ It is now setting near Miller's Chappel. I do not know what he paid for it.

Q.6.-- State whether or not he is fixing to build on the land purchased by him ~~xxxxxxx~~?

A.-- I do not know.

Q.7.-- Who do you think ought to have the custody of the children the plaintiff or the defendant, considering their age, sex &c/

A.-- Well I don't know hardly.

Cross Examination.

X.Q.1.-- Do you know anything about what John S.Bailey is worth over and above his debts and liabilities?

A.-- I do not.

X.Q.2.-- Do you know anything about that money that he got for staves?

A.-- Yes, he paid out a part of it right there before me, for work and labor done and staves bought.

X.Q.3.-- Do you know anything about how much profit he made after he had paid off all the expenses in connection with making the staves

A.-- No.

X.Q.4.-- Did you ever hear anybody say that they had had sexual intercourse with Maggie Bailey?

Obj.-- Ecepted to because hearsay as to her.  
James W.Orr, for deft.

A.-- Not that I remember of.

X.Q.5.-- By way of refreshing your memory, did you not tell Mr. Bailey here to day that you had heard of it?

A.-- I did not understand at first the words in your question. I have heard Mr. <sup>Garrett</sup> ~~James~~ Hobbs say that he had had to do with her.

X.Q.6.-- Did he say it was before or aftershe married?

A.-- Before she married.



Re Examination.

Q.-- Is it not a fact that John S. Bailey is an expert at making staves, and that he makes and ships quantities of them?

A.-- Yes he is a good stave maker, and he has made and shipped several.

Re Cross Examination.

Q.-- Is it not a fact that he is a cripple and has been sick recently and not able to work.

A.-- He is a cripple. And he was sick recently, a couple of weeks ago, and not able to work. He is here to-day.

And further this deponent saith not.

Wit claims one day 50 cents.

(signature waived)

Oma Osbourn another witness of lawful age being first duly sworn deposes as follows:

Q.1.-- State your age, and where you reside and are you acquainted with the parties to this suit?

A.-- I am 18 years old live near Ben Hur. I am acquainted with the parties to the suit.

Q.2.-- Do you know where the two older children have been staying, if so state?

A.-- They are living with Mrs. Dixon, John's mother.

Q.3.-- State if you know what kind of treatment the children receive at Mrs. Dixon's?

A.-- The least one was treated pretty bad once, the other was treated all right so far as I know.

Q.4.-- Was this treatment you speak of by Mrs. Dixon or by her daughter?

A.-- It was by her daughter.

Q.5.-- Are the children kept reasonably clean and reasonably clothed, or how is that?

A.-- Sometimes they were kept tolerably clean and some times they wasn't. I reckon they are very well clothed.



Q.6.-- Does Mrs.Dixon stay at home or is she gone a part of the time?

A.-- She is gone part of the time and part of the time she is at home.

Q.7.-- State whether or not you had a conversation with John S? Bailey after he and his wife had separated, in which he spoke in the manner in which his wife had always treated him, and if so tell what he said and where it was?

A.-- At one time after they separated, at Mrs.Skidemore's I heard him say that his wife was good to him. I do not know that he was talking to me.

And further this deponent saith not.

Wit claims one day 50 cents.

(signature waived)



Met pursuant to adjournment on September, 2d, 1911.

William Garrett another witness of lawful age, after being duly sworn, deposes and says:

Q. State whether or not you have recently sold to John S. Bailey some land in this County, and if so, state where it is situated, the amount, and the price that he was to pay you, and how much he has paid, if anything, on the land?

A. I sold him some land out near Millers Chapel, perhaps from fifteen to twenty acres at the price of \$200.00. When he bought it he said he wanted to work the white oak timber into staves, and he would pay on the land as he got it out of the white oak timber, and said he would either pay for the timber in that way or pay for the land, and if he failed to pay for the land I could have the land for the timber, and in that way he has paid about \$100.00 on his purchase. I haven't made him any deed.

And further this deponent saith not.

Signature waived.

Ora Cheek another witness of lawful age, after being duly sworn, deposes and says:

Q. Please state your age, residence and occupation?

A. Twenty years of age, I live at the head of Long Hollow and am a farmer.

Q. Are you acquainted with the parties to this suit?

A. Yes, sir.

Q. State whether or not your heard a conversation between the plaintiff in regard to his wife leaving the country, or heard him make any statement in regard to that matter, and if so, what he said and when it was as near as you can?

A. We were all talking about it, and there came up a talk somehow about her leaving and John said he would give \$25.00 for



anybody to take her out of the country. I don't remember the date, but it was a day or two after they separated, and it occurred at John S. Bailey's house.

Q. Did you hear anybody else say anything about giving something to have Mrs. Bailey taken out of the country?

A. Yes, Cephas Roop said he would give \$10.00 if anybody would take her out of the country.

Q. On the occasion when John S. Bailey made the proposition that he did, did anybody accept his proposition, or talk about accepting his proposition?

A. No one that I heard of.

Cross examination by M. G. Ely.

Q. Did you understand why it was he was wanting someone to take her out of the country?

A. I don't know what he meant by it-- don't know anything about it.

Q. Did you hear anything said about John Bailey sending to her father word to come and get her?

A. Yes, sir, I heard some of them say something about it.

And further this deponent saith not.

Signature waived.

Witness claim \$.50 paid by the defendant.



Virginia, Lee County, to-wit:

I, Geo.P.Cridlin, a commissioner in chancery for the circuit court of Lee County, Virginia, do certify that the foregoing depositions of Eli Roberts, M.C.Coffman, Elizabeth Woliver, L.D. Keel, Wright Collier, Martha Collier, C.B.Hounshell, S.E.Osbourn, Oma Osbourn and William Garrett were taken, and sworn to at the times, places and for the purpose in the caption mentioned.

Given under my hand this the 4th day of September, 1911.

Geo. P. Cridlin  
Commissioner in Chancery.



John S. Bailey  
vs. { In chg.

Maggie Bailey

Depositions of costs.

Eli Roberts	
M. C. Coffman	50
Elizabeth Woliver	
L. D. Keel	50
Wright Collier	50
Marta Collier	50
C. B. Hornshell	50
S. E. Osbourne	50
Ana Osbourne	50
Wm. Garrett	50

	\$4.00
Comm. fee	3.00
	<u>\$7.00</u>

Filed Sept. 4, 1911

H. C. J. Ewing, Clerk.



The depositions of John Hobbs and others taken before me, Geo. F. Cridlin, a commissioner in chancery for the Circuit Court of Lee County, Virginia, on the 13th day of June, 1911, at the office of M.G. Ely in the town of Jonesville, Virginia, pursuant to notice hereto attached, which depositions are intended to be read as evidence on behalf of the plaintiff in a certain suit in chancery now pending in the Circuit Court of Lee County, in which John S. Bailey is plaintiff and Maggie Bailey is defendant.

Present M.G. Ely attorney for Plaintiff, and J.W. Orr attorney for defendant.

By agreement the taking of these depositions is adjourned until the 20th day of July, 1911, at the same place.

Met pursuant to adjournment at the office of M.G. Ely in the town of Jonesville, Virginia, on the 20th day of July, 1911.

John Hobbs a witness of lawful age being first duly sworn deposes as follows:

Q.1.-- Please state your age, occupation and place of residence and whether or not you are acquainted with the parties to this suit.

A.-- I am 33 years old, am a farmer, live 3 miles southwest of Pennington Gap. I am acquainted with the parties to this suit.

Q.2.-- How long has John S. Bailey been living in Lee County, Virginia?

A.-- Six or seven years to my knowledge.

Q.3.-- Please state about how long the plaintiff and defendant have been married?

A.-- About four years, as I remember.

Q.4.-- Please state who in your opinion is the proper custodian of the two children, and who should have the care and support and control of them?

Obj.-- Objected to as inadmissible unless some facts are shown in support of the witness's opinion.

J.W. Orr, atty.



A. I would think that John would be more able to take care of them. I could not say as far as anything else is concerned, because I am just acquainted with them.

Q.4.-- Were you acquainted with Maggie Bailey before her marriage to John Bailey, if so how long had you known her before her marriage?

A.-- Something like eight or nine years.

Q.5.-- Please state if you know whether or not she had been guilty of any acts of adultery or fornication with any one either before her marriage or after?

Obj.-- The foregoing question and any answer thereto, and all similar questions as to acts of adultery by the defendant are excepted to because the allegation in regard to adultery in the bill is not sufficiently definite as to time, place and the circumstances to entitle the plaintiff to prove such acts under his bill.

J. W. Orr, Atty.

A.-- No, not as I know of positively.

Q.6.-- Did you ever have any illicit intercourse with her yourself?

A.-- I never did.

Q.7.-- Do you know what her reputation has been in the neighborhood where she lives as a woman of good or bad character?

OBJ-- Objected to as inadmissible.

J.W.Orr, Atty.

A/-- I have never heard very much said until recently, and have heard but little said about her, but have heard some people talk about her.

Q. 8.-- What you did hear the people say about her, was it good or bad?

Obj.-- Objected to as inadmissible. What an individual or two might say is not general character or reputation that may be proven where general character can be proved at all.

J. W. Orr, Atty.



A.-- I have heard some very slighty talk.

Q.9.-- Are you acquainted with any of the circumstances under which John Bailey and his wife separated?

A.-- No.

And further this deponent saith not.

*J. S. Hobbs.*

Wit. Claims 1 day 50 Cts.

M.L.Hobbs another witness of lawful age being first duly sworn deposes as follows:

Q.1.-- State your age, reside, occupation and whether or not you are acquainted with the parties to this suit and how long have you known them?

A.-- I am 25 years old, live 5 miles East of Jonesville, near Shaver's Ford, am a farmer. I have khown defendant nearly all of her live, and the plaintiff for least eight years.

Q/2.-- Please state if you know whether or not the defendant Maggie Bailey has been guilty of any acts of adultery or farnica-tion with any one, either before or after her marriage to John Bailey

Obj.-- Objected to for the same reasons stated in the objection to the testimony of the previous witness.

J. W. Orr, Atty.

A.-- I can't say that I ever saw anything of that kind out of her.

Q.3.-- Please state whether or not you ever had any illicit intercourse with her yourself, either before or after her marriage to John Bailey?

A.-- I decline to answer that question. You are proving my character now instead of hers.

Q.4.-- Please state whether or not you ever had any illicit intercourse with her before her marriage to John Bailey?

Obj.-- Objected to for the reasons heretofore stated that no sufficient allegations are contained in the <sup>kill</sup> and for the further reason that the witness has already answered this inquiry

*James W. Orr, for deft.*



A.--I won't answer that question.

Q.10.-- State whether or not you have ever had any illicit intercourse with her since her marriage to John Bailey?

Obj.-- Objected to for the same reasons.

J. W. Orr, Atty.

A.-- I won't answer that question.

Q.11.-- State whether or not you have had any illicit intercourse with her at any time within the last five years?

Obj. Objected to for the same reasons stated above.

J. W. Orr, Atty.

A.-- I don't answer any questions concerning myself.

Q.12.-- State why you refuse to answer these questions?

Obj.-- Objected to as improper and inadmissible, the witness having a perfect right to decline to answer such questions as he has declined without any further inquiry being made into his motives for so doing.

J. W. Orr, Atty.

A.-- Because they are concerning myself.

Q.13.-- Do you know what her reputation has been in the neighborhood where she lives as a woman of good or bad character.

Obj.-- Objected to as inadmissible.

J. W. Orr, Atty.

A.-- I can't say that I ever heard it discussed.

Q.14.-- Please state whether or not You ever had illicit intercourse with this woman at time within the last five years and more than twelve months from this date?

Obj.-- Objected to because this witness has been asked and has answered this question more than once.

J. W. Orr, Atty.

A.-- I refuse to answer that question.

Q.15.-- State whether or not you have had illicit intercourse with this woman at any time within the last twelve months?

Obj.-- Objected to for the same reason.

J. W. Orr, Atty.



A.-- I refuse to answer that question.

Q.16.-- State whether or not you ever had any talk with this woman about having illicit intercourse with her at any time within the last five years?

Obj.-- Objected to for the same reasons and further because immaterial and inadmissible.

A.-- I refuse to answer that question.

Q.17.-- the acts you refuse to tell about because it implicates or tends to implicate yourself, were they committed in the vicinity or neighborhood of Pridemore, Lee County, Virginia.

Obj.-- Excepted to because the witness has declined to answer any question implicating himself, which he has a perfect right to do.

J. W. Orr, Atty.

A.-- You are the one who is supposed to know where they were committed and not I.

Q.18.-- The acts you refuse to tell about because you say it is about yourself and refuse to answer for that reason, were they or not committed in the neighborhood of Pridemore, Lee County Virginia?

Obj.-- Excepted to because based upon an erroneous proposition or grounds. The witness has not stated that the acts about which inquiry was made were about himself.

J. W. Orr, Atty.

A.-- I said the question was about myself, I never admitted that there had ever been any acts committed.

Q.19.-- Do you then state that you never had committed any acts of illicit intercourse with this woman?

Obj.-- Objected to because the witness has answered fully and as completely as any witness can be expected or required to answer such questions.

J. W. Orr, Atty.

A.-- I never have stated it in this deposition, one way or the other.



Q. 20/-- Did not John Bailey, after he and his wife had separated go to you and tell you that he had been informed that you had been intimate or had had to do with his wife and didn't you admit to him that you had.

A. Yes, John Bailey come to me asked me about that question or something like that, and said that Cam Dixon had informed him that I had been too intimate with his, Bailey's, wife. but I never admitted to him that I had.

Q.21.-- What did you admit?

A.-- I told him that I ~~was there~~ had been at her father's home with Cam Dixon before the plaintiff and defendant married.

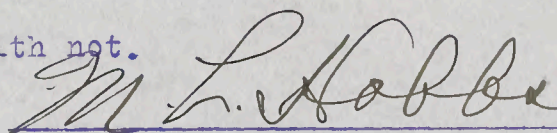
Q.22.-- What were you and Cam Dixon doing there on that occasion?

A.-- Well that is going into private matters. I don't think that has anything to do with this case.

Q.23.-- Did you or not on that occasion see Cam Dixon and Maggie Bailey in the bed together?

A.-- I did not.

And further this deponent saith not.



Wit claims 1 day 50 c.

Chas. B. Bailey, another witness of lawful age being duly sworn d deposes as follows:

Q.1.-- State your age, residence, occupation, whether or not you are acquainted with the parties to this suit, how long have you known them, and what relation are you to John Bailey?

A.-- I am 23 years old, live near Pridemore, my occupation is now stove making, I am acquainted with said parties, have known John all my life, he is my brother, and I have known the defendant something like ten years.

Q.-- State whether or not you know of Maggie Bailey being guilty of acts of adultery either before or after her marriage to John



Bailey?

Obj.-- Excepted to for the reasons hereto foresstated in regard to this inquiry.

J.W.Orr, Atty.

1.-- I do not know positively of such acts.

2.3.-- Did you ever have any talks with her on the subject of illicit intercourse, and if so state when and where it was?

Obj.-- Objected to because immaterial and inadmissible.

J. W. Orr, Atty.

A.-- Yes sir. It was at her home before she was married. I also had another talk with <sup>her</sup> on that subject in the road close to Wright Haynes'.

Q.4.-- State whether or not you ever caught <sup>was</sup> in an act of adultery or an attempt with this woman, and if so state when and where it was and the circumstances?

A.-- I was with her and talked with her at her home on the bed in a room and talked with her on the subject, and she said it was agreeable, and her mother or some one started in the room and the subject was dropped.

Obj.-- The foregoing answer is further objected to not only upon the grounds heretofore stated but further because no time is fixed and no act is proven.

J. W. Orr, Atty.

Q.-- State whether or not you ever made arrangements to have illicit intercourse with her at any other time and if so tell when and where it was and who caught you that time?

A.-- I made arrangements with her to meet me out, and I did not go.

Q.6.-- Have you ever had any talk with this woman about illicit intercourse ~~with this woman~~ since her marriage to John Bailey.

A. I have not.

Q.7.-- The time you speak of at her house when you made the arrangements to have illicit intercourse with her, how near did you come to performing the act?

Obj/ objected to because the witness has not made such statement



as is supposed in the question.

J. W. Orr, Atty.

A.-- I had her clothes up.

Q.8--Was this in the neighborhood or vicinity of Pridemore, Lee County, Virginia?

A.-- It was.

Obj.-- Objected to because immaterial, no act having been proven.

J. W. Orr, Atty.

Q.9.-- When did you first tell John Bailey what you knew in this case, before or after he and his wife separated?

A.-- After they separated.

Q. 10.-- How did you happen to tell him?

A.-- He asked me about it.

Obj.-- Objected to because no act of adultery has been proven by this witness at any time, and no time is fixed when he says he had the talk with the defendant at her home, and no definite time is fixed when he says he communicated ~~it~~ to the plaintiff what he knew or professed to know.

J. W. Orr, Atty.

#### Cross Examination.

X.Q.1.-- If I understand you correctly you state that you never did have illicit intercourse with this Defendant, is that correct?

A.-- That is correct.

X.Q.2.-- At the time that you say you had a talk with her at her home, on the bed, where was that and where was she then making her home?

A.--It was at the home of her parents, where she was making her home, and it was on Wright Collier's place.

X.Q.3.-- Was this before she and the plaintiff were married, or after?

A.-- It was before they were married.

X.Q.4.-- When did you tell the plaintiff that there had been some improper talk between you and the defendant?

A.-- I can't give the exact date. It was somewhere about last



March. I did not pay any attention to the date and can't remember just when.

X.Q.5.-- You knew that your brother the plaintiff was courting this girl and was expecting to marry her before they did marry, did you not?

A.-- I knew he was courting her, but I did not know anything about whether he was going to marry her or not, I did not know what they were about, I didn't take any thought to it.

X.Q.6.-- Did he not tell you before he married her that they were going to marry?

A.-- No sir, not that I have any recollection of.

X.Q.7.-- If you knew that he was courting her, how did it happen that you did not tell him that she had had some improper talks with you?

A.-- I did not consider it any of my business whatever. It was their affairs.

X.Q.8.-- Did you not consider it of some importance or consequence to him?

A.-- I never thought along the line of them ~~marrying~~, it was nothing to me. It might of been some importance to him, but I ~~X.Q.9.--~~ never thought about their marrying, I paid no attention to it.

X.Q.9.-- As a matter of fact and to refresh your recollection were you ever in the house of the defendant's father previous to the marriage of the defendant to the plaintiff?

A.-- I was there before defendant and plaintiff married, certainly. I can't say how often but I have been there lots of times.

X.Q.10/\_- When did the plaintiff and the defendant separate?

A.-- I can't state the exact time they separated, it was last fall or winter, the late fall or early winter.

X.Q.11.-- I believe you state that you did not tell the plaintiff what had occurred between you and the defendant until in March, 1911, is this correct.



A.-- Something near that time, not stating the exact time, however.

X.Q.12.-- That was after they had separated and this suit had been brought had it not?

A.-- It was after they were separated but I dot know whether it was after the suit was brought or not.

X.Q.13.-- Do you think it was after March 7th 1911, or not?

A.-- I do not know whether it was before or after.

X.Q.14.-- Now is it not a fact that your brother had brought a suit for divorce or was intending to bring such a suit and called on you to know if you knew any facts would aid him in such suit?

A.-- He might have intended to bring a suit but he did not tell me anything about it at that time and asked me no such question.

X.Q.15.-- How did it happen that he called on you to know what you knew in regard to his wife?

A.-- He said that he had been informed by Wright Haynes and Mrs. Haynes, both I believe, that I was caught with her, and he asked me about it.

X.Q.16.-- Is it not a fact that you went to J.F.Witt's store and bought some furniture &c. for your brother, the plaintiff, to go to house-keeping on some two weeks before they married.

A.-- No sir, I did not. If I ever bought a piece of furniture for him at any time I have no recollection of it. I went there and got some for myself, but did not get any for him.

And further this deponent saith not.

H. B. Bailey

37m



Set pursuant to adjournment at M. G. Ely's law office in  
Jonesville, Virginia, on the 1st day of August, 1911.

Present M. G. Ely attorney for plaintiff and J. W. Orr, attorney for defendant.

Elias Bowman another witness of lawful age being duly sworn  
deposes as follows:

Q.1.-- State your age, place of residence and occupation and  
whether or not you know the parties to this suit.

A.-- I am 49 years old, live near Pennington Gap, and am a farmer.  
I do know the parties to this suit. I have known the plaintiff about  
ten years and the defendant about 8 years.

Q.2.-- Do you know Maggie Bailey's reputation in the neighborhood  
where she lives as a woman of good or bad character?

Obj.-- Excepted to as irrelevant, immaterial and inadmissible.  
There is no sufficient allegation in the bill to make this question  
permissible. The plaintiff alleges specific act of adultery against  
the defendant and his inquiry should be confined thereto.  
J. W. Orr, attorney.

A.-- I think I do know her reputation in the neighborhood as a woman  
for good or bad character.

Q.3.-- Is that reputation good or bad?

Obj.-- Objected to for the reasons above stated and for the further  
reason that the witness has not been asked, nor has he stated that  
he was acquainted in that neighborhood, nor is the proper foundation  
laid for this kind of inquiry, if it was admissible.

J. W. Orr, attorney.

A.-- I would count it bad, that is what I have heard people say.  
I don't undertake to say that it is true at all, I don't know.

Q.4.-- Were you ever present and have a conversation with her or  
hear her have a conversation with somebody else with reference to  
having children, and if so state when and where it was, and all  
she said as well as you can remember.



A.-- Last fall up there on my place at her sister's, they were laughing and teasing one another about children, and Maggie said that if she didn't have a man that could get her children she would get some body else.

Obj.-- Objected to as irrelevant and immaterial.

J. W. Orr for deft.

Cross Examination.

X.Q.1.-- If I understand you on the occasion referred to last fall the defendant and her sister were joking each other about having children, is this correct?

A.-- Yes sir.

X.Q.2.-- You have stated that you heard some body say something against the defendant's character, how many did you hear speak in that way?

A.-- I have heard as many as two.

X.Q.3.-- Who were they?

A.-- Kemp Wynn and Manuel Coffman.

X.Q.4.-- How many people live in her neighborhood in a radius of one mile.

A.-- Forty, fifty or more.

X.Q.5.-- Have you ever heard any of her neighbors say that she was a woman of good character.

A.--I never did.

X.Q.6.-- You have not heard her character discussed very much in the neighborhood have you?

A.-- No.

And further this deponent said not.

Wit. claims one day 50 cts.

*Elias B. name*



M.L.Hobbs being duly sworn deposes, upon being re-introduced by the plaintiff, as follows:

Q.1.-- Is it not a fact that you know of your own knowledge that Maggie Bailey has been guilty of acts of adultery and sexual intercourse before her marriage to John S. Bailey?

Obj.-- Objected to because this witness has been heretofore introduced and fully examined in regard to the matter here inquired of, and his answers were proper and such as he had a right to make and in regard to which he should be protected and is protected by the law, and this continuous interrogation of this witness after he has claimed his right should not be further indulged.

J.Y.Orr, for deft.

A.-- I have heard talk to that effect, but I don't know that it is a fact.

Q.2.-- Is it not a fact that you know of your own knowledge that Maggie Bailey has been guilty of acts of adultery and sexual intercourse since her marriage to John S. Bailey?

Obj.-- Same objection as before.

J.W.Orr, for deft.

A.--I do not know.

Q.3.-- Who is it that you have heard say that she had been guilty of acts of adultery before her marriage to John Bailey.

Obj.-- Objected to because hearsay and inadmissible.

J. W. Orr, for deft.

A.-- I heard my brother, John Hobbs say that he saw her and John S. Bailey before their marriage. I heard Wright Collier say that Duran Keel caught John S. Bailey and Maggie in the act before their marriage.

Q.4.-- Do I understand you to say that you do not know of your own personal knowledge that she was guilty of acts of adultery before her marriage to John S. Bailey.

Obj. Objected to for reasons stated above and further because the witness has just answered this question plainly and emphatically.

A.--I never saw her into anything of the kind. I do say that I do not know of my own personal knowledge. ~~that I do not know~~

*J.W.Orr, for deft*



Q.5.-- Did she ever commit any act of adultery with you either before or after her marriage to your own personal knowledge?

Obj.-- Objected to for the reasons before stated, and because the witness has fully answered this inquiry heretofore.

J. T. Orr, for deft.

A.--I refuse to answer concerning myself.

And further this deponent saith not.

*M. L. Holbe*

Wit. claims one day 50 cts.



L. M. Parsons another witness of lawful age being duly sworn deposes as follows:

Q.1.-- State your age, place of residence and occupation, and whether not you are acquainted with the parties to this suit and how long you have known them?

A.-- I am 21 years old, I reside near Pennington Gap, Va. but in the Jonesville District, am a farmer. I know the parties to this suit and have known them some six to eight years.

Q.2.-- Do they reside in Lee County, Virginia?

A.-- They do

Q.3.-- How long have they been separated, if you know?

A.-- I do not know for certain, but just guessing I should say about one year.

Q.4.-- Do you know what caused their separation?

A.-- I do not know, but have heard.

Q.5.--State whether or not the defendant Maggie Bailey has been guilty of any acts of adultery or fornication, either before or since her marriage to John S. Bailey?

A.-- Not that I know.

Q.6.-- Did you ever have sexual intercourse with her either before or after her marriage to John Bailey?

A.-- No sir.

Q.7.-- Did you ever have any intimate relation with her since her marriage to Bailey in the way of hugging or kissing her, if so tell all about it, and when and where it was?

Obj.-- Excepted to as irrelevant and immaterial.

J. W. Orr, for left.

A.-- I used to go over close to their house frequently when they lived on a small piece of land which they bought from my father. I went over there to water horses, and frequently went to the house. I went down one day, and she said John had gone fishing. She asked me to stay all night, and I told <sup>her</sup> I couldn't as John was not there. She said that that was all right, and that John was not coming back that night. I had my hand up on the door facing and she walked up close to me.



*And a man can't stand everything*  
close to my arm, and I put it around her neck. I would have staid all night as she asked me but I was afraid John would come back.

Q.8.-- Did you give her a pretty good squeezing?

A.-- I don't know as I particularly squeezed her at all.

Q.9. Did she put up much when you dropped your arm around her neck?

A.--She did not refuse nor object.

Q.10.-- Did you and her talk about what you could do if you should come back that night and stay all night with her?

A.--No sir.

Q.11.-- Did she or not tell you that you could sleep with her?

A.-- She neither told me I could or couldn't.

Q.12.-- What did you understand her to mean or want when she was inviting you to come and stay all night with her?

Obj.-- Objected to as irrelevant and immaterial and the opinion to be formed is for the Court and not for the witness.

J. W. Orr, for deft.

A.--That she wanted me to stay all night with her.

Q.13.-- Did you ever have any arrangements made with Maggie Bailey before her marriage to John Bailey to have sexual intercourse with her?

A.-- Not direct.

Q.14.-- What indirect arrangements had you?

A.--Some two or three years before she and John Married I was at York church to meeting one night and as I came away I got with Maggie and went on home with her, and on the way I put my arm around her and started to kiss her, and she objected, but told me if I would come back I could do as I pleased, I asked her if she meant that I could do as I pleased, and she said yes just as I pleased. I did not go back the next night.

Q.15.-- Did she or not the night she wanted you to stay all night with her when John was gone, tell you that you could do as you pleased if you would come back that night?

A.-- No sir.

Q.16.-- Do you know what her reputation has been in the neighborhood where she lives



hood where she lives as a woman of good or bad character?

Obj.-- Objected to as irrelevant and inadmissible.

J. W. Orr, for deft.

A.-- I know what other people say, it is bad.

Q.17.-- Do you know when John Bailey first heard of your hugging his wife?

A.-- I do not.

Cross Examination.

X.Q.1.-- You had known the defendant quite a little while before her marriage to Mr. Bailey and during her girlhood had you not?

A.-- I had known her about four years before their marriage.

X.Q.2.-- You and Mrs. Bailey had been particularly good friends as young people had you not?

A.-- I can't say that we were particularly good friends but we were friends.

X.Q.3.-- During that time you had kept her company some had you not as a young man in the neighborhood did you not?

A.-- I went with her some two or three times, and called at her home to see her two or three times.

X.Q.4.-- During that time I believe you have stated that you had no knowledge of acts of adultery or fornication by the defendant?

A.-- I did not know of her being guilty of sexual intercourse during that time.

X.Q.5.-- On the Occasion when you went with her from Kerk church when you say you tried to kiss her, you state that she objected, did she?

A.-- Yes.

X.Q.6.-- How many people have you heard in the neighborhood that the defendant's reputation is bad?

A.-- I can't give the exact number, quite a number though.

X.Q.7.-- Have you heard more than two or three speaking that way?

A.-- I have. I have heard the following persons as some I have heard Gale Smith, Jim Parsons, Albert Orr, Lucian Parsons, Cam Dixon, Charley Bailey, Zion Dixon, Leona Parsons, now Leona Stapleton, Fayette Hobbs



and John Hobbs. That is all I now think of.

X.Q.8-- Is it not a fact that some of these people that you have named were enemies to the defendant or had something against her?

A.--If they were enemies I did not know. A part of them had been her sweethearts.

X.Q.9.-- Is it not a fact that many young ladies in your neighborhood as well as other places are spoken of as being fast, especially by people who don't like them or from some cause or other has enmity or envy against them?

A.-- Yes, I think so.

And further this deponent saith not.

L M Parsons

Virginia,

Lee County, to-wit:

I, G. P. Cridlin, Commissioner in Chancery for the Circuit Court of Lee County, Virginia, do certify that the foregoing depositions of John Hobbs, M. L. Hobbs, L. M. Parsons, Elias Bowman and Charles B. Bailey were duly taken, subscribed and sworn to before me at the times and place, and for the purposes in the caption mentioned.

Given under my hand this the 1st day of August, 1911.

Geop Cridlin  
Commissioner in Chancery.



John S. Bailey  
vs { Depositions of  
    { Plaintiff —

Maggie Bailey

Filed Aug. 2 - 1911 -

Commissioner in Chancery.

Given under my hand this the 1st day of August, 1911.  
tion mentioned.

before me at the time and place, and for the purposes in the caption and Charles B. Bailey were duly taken, subscribed and sworn to depositions of John Hobbs, W. L. Hobbs, L. M. Parsons, Eliza Powell Court of Lee County, Virginia, do certify that the foregoing Lee County, to-wit:



*The Commonwealth of Virginia,*

*To the Sheriff of the County of Lee, Greeting:*

WE COMMAND YOU That you summon

*Maggie S. Bailey*

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held for the said Court on the *first* Monday in *March*, 19 *11*, to answer a bill in Chancery, exhibited against *her* in our said court by

*John S. Bailey*

And have then there this writ. Witness, H. C. T. Ewing, Clerk of our said Court, at the court-house, the *3<sup>rd</sup>* day of *January*, 19 *11*, and in the 13 *5<sup>th</sup>* year of the Commonwealth.

*H. C. T. Ewing*, Clerk.



John S. Bailey

SUBPOENA

vs. }

IN CHANCERY

Maggie S. Bailey

M. S. Ely, p. p.

To 1st March Rules,  
Circuit Court.

1911.

Executed by deliver-  
ing a true copy of  
the within summons  
to Maggie S. Bailey  
this Feb the 1<sup>st</sup> 1911  
W. J. Tucker S. L. C.



Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:-

We command you that you summons Lawrence Parsons  
*M. L. Hobbs*  
and Elias Bowman to appear at M. G. Ely's Law Office, in the  
town of Jonesville, Virginia, on the 1st day of August 1911,  
before G. P. Cridlin, Commissioner in Chancery, to testify  
in behalf of the plaintiff in a certain suit pending in the  
Circuit Court of Lee County, Virginia, wherein John Bailey  
is plaintiff and Maggie Bailey defendant. This they shall  
do in no wise <sup>omit</sup> ~~omit~~ under the penalty of ~~(\$100.00)~~ (\$100.00)  
one hundred dollars.

Given under my hand this the 25th day of  
July, 1911.

*M. G. Ely*  
Commissioner in Chancery.



237  
 3 1/2  
 711  
 118  
 829

John S. Bailey -  
 vs. { Sumner  
 Maggie Bailey

To 1st Aug. 1911

Executed by Sumner  
 on 1st Aug. 1911  
 Parsons & Bying him  
 fifty cts. for the fee  
 This July the 29, 1911

W. G. Tucker S. L. C.  
 Father of the child, Bying  
 Sumner and M. L. Hanks  
 and Elias Bowman this  
 Aug. 1st 1911  
 P. C. Courtney H. S.  
 for W. G. Tucker S. L. C.



# The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU THAT YOU SUMMON

*Emily Haynes, Duane Reel, Will Garrett,  
Bura Handolph, Wright Collier, Martha Collier, Malcolm  
Parsons, Dock Ashburn, & Ora Cheek, Ora Ashburn*

*at the law office of James H. Owsen, Va*  
to appear before the Judge of our Circuit Court of the County of Lee, at the Court-house thereof, on  
the *3rd* day of *August*, 19*11*, to testify and the truth to say in behalf of the  
*Defendant*, in a certain matter in controversy in our said court before the said Judge  
depending and undetermined between *John S. Bailey*

Plaintiff, and

*Maggie Bailey*, Defendant. And this *they*  
shall in no wise omit, under the penalty of £100. And have then there this writ.

Witness, H. C. T. Ewing, Clerk of our said Court, at the Court-house the *25th* day of *August*,  
19*11*, and in the 13*6th* year of the Commonwealth.

*H. C. T. Ewing,* Clerk.



Maggie Bailey

vs. } SUBPOENA  
FOR  
WITNESS.

John S Bailey

..... Court,  
the 31<sup>st</sup> day of August  
1911.....

all summoned But  
Malcolm Parsons and  
Will Garrett.  
this aug 28-1911  
E.C. Courtney L.A.S.  
fee. 2.10

And Ashburn not  
summed.

mag	3.60
copying	2.10
col. toll	1.60
Witnesses	1.10
	<u>8.40</u>



# The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU THAT YOU SUMMON

<sup>1. Emily Haggins</sup>  
~~Will Barrett, Bessie Hambley, Knight Callier, Samuel Callier,~~  
~~Martha Callier, Malcolm Parsons, Lizzie Hooker, Martha Callier,~~  
~~James Pennington, Anna Osbourne, Dock Osbourne, On Cheek,~~  
at the Law office of James H. Ewing in Leesville Va

to appear before the Judge of our Circuit Court of the County of Lee, at the Court-house thereof, on

the \_\_\_\_\_ day of August, 1911, to testify and the truth to say in behalf of the

Defendant, in a certain matter in controversy in our said court before the said Judge

depending and undetermined between John S. Bailey

Plaintiff, and

Maggie Bailey, Defendant. And this they

shall in no wise omit, under the penalty of £100. And have then there this writ.

Witness, H. C. T. Ewing, Clerk of our said Court, at the Court-house the 19<sup>th</sup> day of August  
1911, and in the 13 \_\_\_\_\_ year of the Commonwealth.

H. C. T. Ewing, Clerk.



Maggie Bailey

vs {

SUBPOENA  
FOR  
WITNESS.

John S Bailey

Court,

the 24<sup>th</sup> day of August

1911

not a party for the  
lack of funds

this Aug 22 - 1911

C. C. Courtney Esq.



Mr John S Bailey,

You will please take notice that on the 10th day of April 1911, at the Court house of Wise County Va, I will move the honorable S. A. W. Skerr, Judge of the Circuit Court of Lee County Va, to make an order, in vacation of said Court, requiring you to pay to me, or my attorney, at once, the sum of Fifty dollars for suit money, <sup>& temporary alimony</sup> in the Chancery Cause you have instituted in said Court against me for divorce, and to James W Orr, my attorney, the sum of \$25.00 as his fee.  
This April 4th 1911.

Maggie Bailey.  
By James W Orr, her Counsel.



Maggie Bailey  
vs - Latice

John S. Bailey.  
Legal service is  
hereby accepted this  
April 4-1911.  
John S. Bailey -  
By atty.



To - Annie Bailey:-

You are hereby notified that on the first day of the next term of the Circuit Court for Lee County, Virginia, to-wit, on the first Monday in December, 1912, I will move the said Court to quash an execution issued in your favor against me by J. B. Edges, Clerk of the Circuit Court of Lee County, Virginia, on the 8th day of October, 1912, because there is no judgment, or recovery, in your favor against me on which to base the issuing of said execution, and on account of the variance between the decree in the chancery cause of myself against you and the said execution.

While I agreed to pay the costs of the suit and \$15.00 to your attorney, there was no recovery in your favor against me for any of your costs. I only intended to pay my costs and your attorney \$15.00; and,

For the further reason that said execution has been issued illegally and costs taxed against me illegally, and no recovery could have been had in your favor for your costs in the suit because the allegations of my bill had been proven, and on the proof of the allegations of my bill divorce was granted; and,

For other reasons to be assigned at the hearing.

At the same time I will ask for judgment against you for the costs of this motion.

This the 8th day of October, 1912.

James S. Bailey,  
By Counsel



J. S. Bailey

VS } } in Chancery

Maggie Bailey